

Message Text

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ORIGIN EB-08

INFO OCT-01 EA-12 ISO-00 L-03 CTME-00 CIAE-00 COME-00
DODE-00 DOTE-00 FMC-02 INR-10 NSAE-00 CG-00
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CUSTOMS:HROHRBAUGH
COMMERCE:BASCHER/DRAMSEY

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FM SECSTATE WASHDC
TO AMEMBASSY TAIPEI PRIORITY

UNCLAS STATE 190808

E.O. 11652:N/A

TAGS: EWWT, ETRD, TW

SUBJECT:CUSTOMS RULING ON CARGO CLEARANCE

REF: A) TAIPEI 4806, B) STATE 163468

1. THE U.S. CUSTOMS SERVICE STATES THAT THE CHQARGE-
ABILITY OF EXPORT SHIPMENTS TO QUOTA YEARS IS DETERMINED
BY THE DATE OF EXPORT. U.S. CUSTOMS REGULATIONS (SECTION
152.1(C)) DEFINE THE DATE OF EXPORT AS THE DATE ON WHICH
THE VESSEL CARRYING THE SHIPMENT LEFT THE MERCHANDISE'S
COUNTRY OF ORIGIN DESTINED FOR THE U.S. BECAUSE THE VESSEL
IN QUESTION RETURNED TO THE ROC AFTER THE START OF THE
SECOND AGREEMENT RESTRAINT YEAR BEGINNING JULY 1, 1978,
CUSTOMS STATES IT WOULD BE CHARGED TO THE SECOND YEAR
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QUOTA.

2. THE GROC ORDERLY MARKETING AGREEMENT (OMA) PROVIDES
THAT IN THE EVENT A SHORTFALL OCCURS WITH RESPECT TO A
RESTRAINT LEVEL FOR A CATEGORY DURING A RESTRAINT PERIOD,

CARRYOVER MAY BE MADE TO THE NEXT ANNUAL RESTRAINT PERIOD

OF UP TO ELEVEN PERCENT OF THE RESTRAINT LEVEL IN THE
PREVIOUS PERIOD, BUT NOT IN EXCESS OF THE ACTUAL SHORTFALL.
THE GROC MUST, HOWEVER, NOTIFY THE USG OF ITS INTENTION

TO EXERCISE ITS CARRYOVER RIGHT. THUS, WHILE THE
SUBJECT SHIPMENT CANNOT BE CHARGED AGAINST THE FIRST
YEAR QUOTA, THE GROC COULD EXERCISE ITS CARRYOVER RIGHT
AND THE SECOND YEAR QUOTA COULD BE ENLARGED UP TO A
MAXIMUM OF ELEVEN PERCENT OF THE RESTRAINT LEVEL IN
THE PREVIOUS YEAR. IF THE QUANTITY OF FOOTWEAR INVOLVED
IN THE SUBJECT SHIPMENT DOES NOT EXCEED ANY PERMISSIBLE
FIRST YEAR CARRYOVER AND IS CHARGED AGAINST A SECOND
YEAR QUOTA ENLARGED UP TO ELEVEN PERCENT OF THE RESTRAINT
LEVEL OF THE PREVIOUS YEAR, THERE WOULD NOT, IN EFFECT, BE
ANY LOSS OF FIRST YEAR EXPORT OPPORTUNITIES. CHRISTOPHER

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